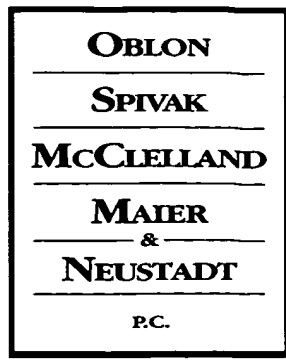Docket No.: 5244-0126-2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/453,937
    Applicants: Tetsuro MOTOYAMA et al.
    Filing Date: May 17, 2000
    For: METHOD AND SYSTEM OF REMOTE
        DIAGNOSTIC, CONTROL AND INFORMATION
        COLLECTION USING A DYNAMIC LINKED...
    Group Art Unit: 2142
    Examiner: LE, H.

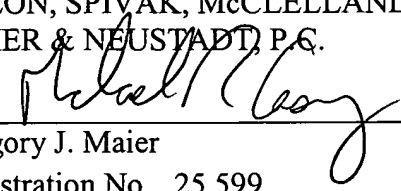**RECEIVED**

FEB 23 2004

Technology Center 2100

SIR:

Attached hereto for filing are the following papers:

APPEAL BRIEF WITH APPENDIX (in triplicate)

Our check in the amount of **$330.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.
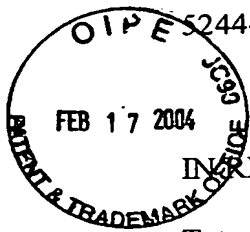
Respectfully submitted,

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2/25/04

<u>IN THE UNITED STATES PATENT & TRADEMARK OFFICE</u>

IN RE APPLICATION OF:

Tetsuro MOTOYAMA et al. EXAMINER: LE, H.

SERIAL NO. 09/453,937

FILED: May 17, 2000 GROUP ART UNIT: 2142

FOR: METHOD AND SYSTEM OF REMOTE DIAGNOSTIC, CONTROL AND INFORMATION COLLECTION USING A DYNAMIC LINKED LIBRARY...

<u>APPEAL BRIEF</u>

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FEB 23 2004

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COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

SIR:

This is an appeal from the decision of the Examiner dated August 25, 2003, which finally rejected Claims 1-9, 11-20 in the above-identified patent application.

I. <u>REAL PARTY-IN-INTEREST</u>

Ricoh Company, Ltd.

II. <u>RELATED APPEALS AND INTERFERENCES</u>

There are no related appeals or interferences.

III. <u>STATUS OF CLAIMS</u>

Claims 1-9 and 11-20 are currently pending, and Claims 1-9 and 11-20 are being appealed.

IV. STATUS OF AMENDMENTS

All amendments in this application have been entered.

V. SUMMARY OF THE INVENTION

The present invention is directed to a system for communicating data (obtained by monitoring events of a target application of an application unit) to a remote party while allowing the data to be transmitted in various data formats.[1] Examples of application units include image forming apparatuses like copying machines and facsimiles, as well as appliances.[2] Examples of information to be transmitted include error conditions and warning conditions.[3]

VI. ISSUES

The sole issue on appeal is whether claims 1-9 and 11-20 are obvious under 35 U.S.C. 103 over U.S. Patent No. 5,818,603 (hereinafter "the '603 patent") in view of U.S. Patent No. 5,842,039 (hereinafter "the '039 patent"), either alone or in combination with U.S. Patent No. 5,911,776 (hereinafter "the '776 patent").

VII. GROUPING OF THE CLAIMS

The claims stand or fall together.

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1 See specification, paragraph 10.
2 See specification, paragraph 13.
3 See specification, paragraph 13.

VIII. ARGUMENTS

A. Introduction

A brief overview of the terminology of the '039 patent is believed to be in order. A portion of Fig. 1 has been reproduced below and annotations have been added thereto to accentuate misperceptions about the teachings of the '039 patent.

FIG. 1
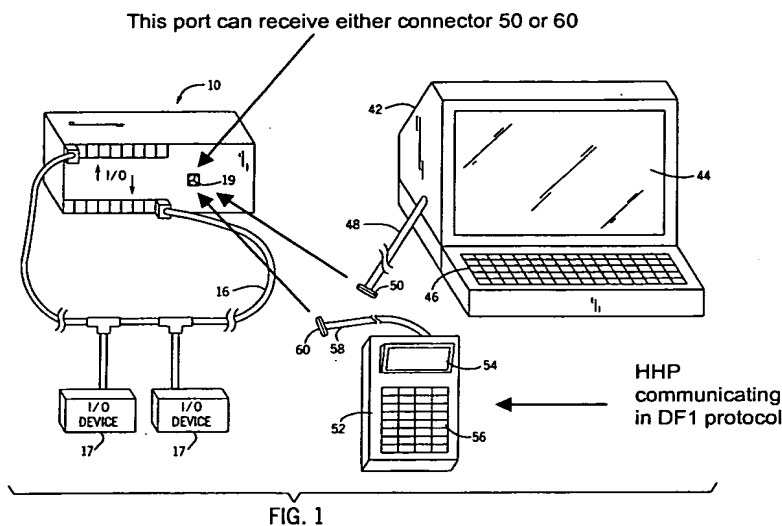
As discussed in Col. 2, lines 13-16, of the '039 patent, when communicating with a controller 10, hand held programming devices (HHPs) communicate in only one protocol – DF1, while computers can communicate in DH-485 or DF1 (after using "extremely inconvenient" manual intervention).[4] However, either a HHP or a computer can be interfaced with port 19 of the controller 10, so there must be a method by which the controller 10 and either the HHP or the computer can communicate with otherwise incompatible protocols while the HHP and the computer do not know which protocol was used last.

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4 See the '039 patent, col. 2, lines 45-55.

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In the '039 patent, this communication issue is addressed by the controller 10 being able to <u>receive</u> either one of two protocols, and determining when an error occurred in <u>reception</u>, not in transmission. As described in the summary of the invention, "<u>When messages are received</u>, the controller determines if the messages are in the controller's currently configured protocol. When the messages are not in the currently configured protocol, <u>the controller</u> automatically reconfigures itself in its other supported protocol for communication in the other protocol."[5] Since the controller 10 reconfigures itself for the proper format, the HHP or computer can <u>resend in the exact same format</u>, since the compatibility problem has been solved <u>on the receiver's end</u>. Said differently, the controller 10 does not need to send in a second, different format after having experienced a transmission failure because <u>it is the receiver</u> (not the transmitter) and it will know the proper format from the reception. Also, the HHP and the computer do not have to have a computer code device that handles resending in a second format after a transmission failure because the controller 10 will reset its communication protocol and the HHP and the computer can simply resend <u>in the same protocol</u> because the receiver will have switched to the right protocol.[6] In fact, if the HHP or the computer were to switch after a transmission failure, then the communication process would never work because both the sending end (the HHP and the computer) and the receiving end (the controller) would both be changing after each transmission failure and the two ends would always be out of synchronization.

B. <u>Rejection of claims 1-9 and 11-20</u>

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5 See the '039 patent, col. 3, lines 34-39. Emphasis added.
6 Moreover, the second paragraph of col. 2 of the '039 patent makes clear that the HHPs communicate in only

The office action admits that '603 patent does not teach the claimed sixth and seventh code devices as recited below:

> a sixth computer code device configured to attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first format processor;
>
> a seventh computer code device configured to attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the second format processor after attempting to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first format processor, wherein the seventh computer code device is configured to check for a transmission failure before transferring the collected events using the second format.

The office action attempts to overcome the admitted deficiencies of the '603 patent by citing the '039 patent and asserting that the controller first tries a first protocol and then tries a second protocol after the first protocol is finished. Specifically, the office action asserts that the '039 patent "sends the message using the first format, if that fails a determination or check procedure, then the message is sent again using the second format."

As discussed above, the controller 10 of the '039 patent does not actually operate that way. The controller 10 receives (as opposed to transmits) a message, and if the received message is not in a proper format, the controller 10 changes its receiving protocol. The controller 10 then receives the same message again in the same format. Thus, the '039 patent

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one protocol, so they cannot switch transmission protocols under any circumstances.

fails to teach the same positively recited elements that are admittedly not taught by the '603 patent.

Since both the '603 patent and the '039 patent fail to teach the same positively recited elements, the combination of those references also fails to teach the elements not taught by the references individually. Thus, the combination fails to render obvious the subject matter of claim 1 and its dependent claims.
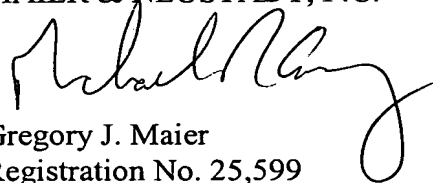
Claim 18 recites method steps corresponding to the sixth and seventh computer code devices described above. Thus, claim 18 and its dependent claims are patentable over the combination of references for reasons analogous to the reasons for patentability set forth above with respect to claim 1.

Conclusion

It is respectfully requested that the outstanding rejection be REVERSED.

Respectfully submitted,

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APPENDIX: APPEALED CLAIMS 1-9 and 11-20

1. A computer program product, comprising:

a computer storage medium and a computer program code mechanism embedded in the computer storage medium for causing a computer to control a format used for data communication between a remote receiver and at least one of a device, an appliance, an application and an application unit, the computer program code mechanism comprising:

a first computer code device configured to provide plural communications formats capable of providing data transfer;

a second computer code device configured to select a first format of the plural communications formats to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit;

a third computer code device configured to select a second format of the plural communications formats to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit;

a fourth computer code device configured to collect events at the at least one of a device, an appliance, an application and an application unit;

a fifth computer code device configured to dynamically generate first and second format processors for implementing the first and second formats;

a sixth computer code device configured to attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first format processor;

a seventh computer code device configured to attempt to transfer the collected events

between the remote receiver and the at least one of a device, an appliance, an application and

an application unit using the second format processor after attempting to transfer the collected

events between the remote receiver and the at least one of a device, an appliance, an

application and an application unit using the first format processor, wherein the seventh

computer code device is configured to check for a transmission failure before transferring the

collected events using the second format.

2. The computer program product as claimed in claim 1,

wherein the first computer code device comprises a library of code shared between

first and second applications.

3. The computer program product as claimed in claim 1,

wherein the first computer code device comprises a dynamically linked library of code

shared between first and second applications.

4. The computer program product as claimed in claim 1,

wherein the fifth computer code device comprises an eighth computer code device

configured to implement a container class including an entry for each of the plural formats,

wherein each entry includes a key and a value.

5. The computer program product as claimed in claim 4,

wherein the eighth computer code device comprises a map.

6. The computer program product as claimed in claim 4,

wherein the value of the eighth computer code device comprises a pointer to a

function configured to dynamically generate a corresponding format processor of the first and

second format processors as specified by the corresponding key.

7. The computer program product as claimed in claim 6,

wherein the value further comprises an attribute for identifying whether the fifth

computer code device previously dynamically generated the corresponding format processor.

8. The computer program product as claimed in claim 7,

wherein the attribute stores (1) a zero value if the fifth computer code device has not

previously dynamically generated the corresponding format processor and (2) stores a pointer

to the corresponding format processor if the fifth computer code device previously

dynamically generated the corresponding format processor.

9. The computer program product as claimed in claim 6,

wherein the function configured to dynamically generate the corresponding format

processor returns a format processing abstract class.

11. The computer program product as claimed in claim 1,

wherein the seventh computer device comprises an eighth computer code device

configured to transfer the collected events using the second format in order to increase

redundancy.

12. The computer program product as claimed in claim 1,

wherein one of the plural communications formats includes binary.

13. The computer program product as claimed in claim 1,

wherein one of the plural communications formats includes text.

14. The computer program product as claimed in claim 1,

wherein one of the plural communications formats includes hypertext markup

language (HTML).

15. The computer program product as claimed in claim 1,

wherein one of the plural communications formats includes extended markup

language (XML).

16. The computer program product as claimed in claim 1,

wherein one of the plural communications formats includes SGML.

17. The computer program product as claimed in claim 1,

wherein one of the plural communications formats includes a csv format.

18. A computer-implemented method for causing a computer to control a format used for data communication to a remote receiver, comprising:

providing plural communications formats capable of providing data transfer;

selecting a first format of the plural communications formats to transfer data between the remote receiver and at least one of a device, an appliance, an application and an application unit;

selecting a second format of the plural communications formats to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit;

collecting events at the at least one of a device, an appliance, an application and an application unit;

dynamically generating first and second format processors for implementing the first and second formats;

performing a first attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first format processor;

checking for a transmission failure in the first attempt; and

performing a second attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit

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using the second format processor after the first attempt if there was a transmission failure in

the first attempt.

19. The method as claimed in claim 18,

wherein the step of providing comprises providing a library of code shared between

first and second applications.

20. The method as claimed in claim 18,

wherein the step of providing comprises providing a dynamically linked library.